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James A. Noyes, Director
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802

REVISED CONDITIONAL CERTIFICATION FOR PROPOSED PUDDINGSTONE DIVERSION RESERVOIR CLEANOUT PROJECT (Corps' Project No. 2003-00331- JLB), PUDDINGSTONE WASH, SAN DIMAS WASH (LOWER), CITY OF LA VERNE, LOS ANGELES COUNTY (File No. 02-198)

Dear Mr. Noyes:

Regional Board staff has reviewed your request on behalf of the Los Angeles County Department of Public Works (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 19, 2003.

I hereby certify that any discharge from the Puddingstone Diversion Reservoir Cleanout Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original Signed By:]

[June 23, 2003]

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency

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For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



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Michele Chimienti
Los Angeles County Department of Public Works
P.O. Box 1460
Alhambra, CA 91802

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Betty Courtney
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

Joshua Burnam
U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Steven John
U.S. Environmental Protection Agency
c/o U.S. Army Corps of Engineers
Regulatory Branch, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Ken Berg
U.S. Fish and Wildlife Service
2730 Loker Avenue West
Carlsbad, CA 92008

ATTACHMENT A

Project Information File No. 02-198

1. Applicant: James A. Noyes
Los Angeles County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-6100 Fax: (626) 979-5436
2. Applicant's Agent: Reza Izadi
Los Angeles County Department of Public Works
900 S. Fremont Avenue
Alhambra, CA 91803
Phone: (626) 458-6111 Fax: (626) 979-5436
3. Project Name: Puddingstone Diversion Reservoir Cleanouts
4. Project Location: City of La Verne, Los Angeles County
Longitude: W 117.78278; Latitude: N 34.1311
5. Type of Project: Reservoir Sediment Removal
6. Project Description: *Purpose:* To maintain the storage capacity of 206 acre-feet within the reservoir's footprint for flood control protection and water conservation. The project was submitted as an emergency activity due to the recent fires that occurred during September and October of 2002. Currently, sediment has filled 24% of the reservoir capacity.

Description: Puddingstone Diversion Dam is an earthfilled-concrete face dam that provides flood control and diversion of flow along San Dimas Creek. This facility has a total capacity of 331,000 CY. The Williams fire burned over 90% of Puddingstone Diversion Dam's watershed. On a freshly burned watershed, a five to ten year storm, which has a one in five to a one in ten chance, respectively, of occurring in any given year, can deposit approximately 337,000 CY of sediment into this reservoir. This sediment will completely fill the dam and will bury all of the dam's outlet valves.

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Proper functioning of the flood control system in accordance with its original design requires the removal of eroded mud, rock, and debris to protect the public and prevent damage and loss of life.

Since 1980, sediment removal has taken place on two occasions. The last major cleanout was performed in 1993. Approximately, 117,773 CY of sediment was removed. Prior to 1993, the reservoir was cleaned out in November of 1980. During the 1980 cleanout, 151,653 CY of sediment was removed.

As a matter of routine, storm water that is held behind Puddingstone Diversion Dam will be released through the outlet works and outletted into either San Dimas Wash or Puddingstone Channel. Once completely drained, excavation will occur within the footprint of the reservoir. The cleanout of Puddingstone Diversion Reservoir will temporarily impact only the footprint of the diversion reservoir (17 acres) and will not impact any vegetated areas. The work proposed will not enlarge or redesign the facility.

The accumulated sediment will be removed with bulldozers, front-end loaders, and scrapers. The material will be loaded onto trucks and then trucked from the facility to a legal disposal site such as a permitted landfill or Sediment Placement Site. Public Works will revegetate areas within the Sediment Placement Sites.

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| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 31 (Permit No. 2003-00331-JLB) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement (Notification No. R5-2002-0437) |

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| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15269 (Emergency Exemption). |
| 10. Receiving Water: | Puddingstone Wash, San Dimas Wash (lower), an ephemeral drainage tributary to the San Gabriel River (Hydrologic Unit No. 405.41) |
| 11. Designated Beneficial Uses: | MUN, GWR, REC-1, REC-2, WARM, WILD, RARE, WET |
| 12. Impacted Waters of the United States: | Non-wetland waters (unvegetated diversion dam): 17.0 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has proposed to perform routine maintenance, as necessary, over the next five years. Due to the recent fires, the watershed will take time to recover as the hillside vegetation grows and erosion begins to subside. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">▪ Los Angeles County Department of Public Works will employ BMP's to ensure that no degradation of water quality occurs beyond the proposed project area as a result of excavation and disposal of sediment from the reservoir;▪ The County will immediately cleanup any spills that do occur, and immediately notify appropriate agencies;▪ The County will maintain records of the amount of sediment removed; |

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- Works sites will be clearly flagged or staked to avoid potential impacts to adjacent natural habitats or sensitive areas;
- As required by the California Department of Fish & Game, a biologist shall survey the excavation area and 100 yards downstream prior to commencement of work;
- Staging/Storage areas for equipment and materials will be located outside of all waters; and

All inflows of surface water shall be redirected whenever possible away from areas undergoing excavation.

16. Proposed Compensatory Mitigation:

The Applicant will be obtaining 401 Water Quality Certifications for five reservoir excavation projects. San Dimas Reservoir, San Gabriel Reservoir, Puddingstone Diversion Dam, Big Dalton Reservoir and Burro Canyon Debris Basin will all require sediment excavation.

The Tujunga Mitigation Bank will be utilized to provide mitigation for the projects in which there are impacts to vegetation or within riparian areas. Since the excavation activities in the Puddingstone Diversion Dam will not be impacting any vegetated areas, the Regional Board will require a mitigation ratio of 0.3:1. This corresponds to a total of 5.1 acres of compensatory mitigation in order to offset any temporary impacts associated with this project.

ATTACHMENT B

Conditions of Certification File No. 02-198

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.

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4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain a **five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of Temporary Impacts to waters of the United States and all areas of temporary disturbance which could result in a discharge or a threatened discharge to water of the state. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall coordinate with the U.S. Forest Service and other appropriate agencies in order to address the issues of erosion and sedimentation within the watershed and also identify opportunities for restoration activities.

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9. Restoration shall include the revegetation/reseeding of stripped or exposed work areas (including but not limited to the earthen slopes of the reservoirs if activities occur above the “normal” elevation level, if additional access roads or ramps are created, activities beyond the normal sediment removal areas, etc.) with vegetation native to the area.
10. The work area shall be flagged/marked to identify its limits within the stream and reservoir. Vegetation shall not be removed or intentionally damaged beyond these limits.
11. No vegetation with a diameter at breast height (DBH) in excess of (3) inches shall be removed or damaged without prior consultation and approval of a California Department of Fish and Game representative. If native trees with a three-inch DBH need to be removed, a tree inventory by species and DBH shall be submitted prior to activities. These trees shall be replaced in like kind, at a 1:1 replacement to impact ratio.
12. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board when finalized.
13. Vehicles shall not be driven or equipment operated in water covered portions of a stream or lake, or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in this Certification and as necessary to complete authorized work.
14. Prior to any subsequent maintenance activities within the subject basin, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to the Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the basin’s existing condition and capacity; (c) the existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory mitigation. Notification must be submitted a minimum of **two (2) weeks** prior to commencing work activities.
15. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-198**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
16. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification
17. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.

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18. Enforcement:

- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
19. This certification shall expire **five (5) years** from the date of signature. Should the Applicant request a renewal of this certification, the request shall be submitted prior to 180 days of the expiration date. Renewals may be subject to additional filing fees and will require Regional Board approval.